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Docket No. 4316-092

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : William D. McKAY
Serial No. : 10/755,494 **Examiner :** BALSIS, Shay L.
Filed : January 12, 2004 **Group Art Unit::** 1744
Patent No. : 6,981,291
For : MOTORIZED CLEANING APPARATUS

MAIL STOP PETITION
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

I hereby certify that the attached:

1. Renewed Petition under 37 CFR 1.28(c), (2 pages);
2. Exhibits A, B; and
3. Return Receipt Postcard.

(Along with any paper(s) referred to as being attached or enclosed) and this Certificate of Mailing are being deposited with the United States Postal Service on the date indicated below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Patents, Mail Stop Petition, Box 1450, Alexandria, VA 22313-1450

Respectfully submitted
GOTTLIEB, RACKMAN & REISMAN, P.C.

Dated: 08.10.2006

Zoya Chernina
Zoya V. Chernina

GOTTLIEB, RACKMAN & REISMAN, P.C.
270 Madison Avenue
New York, N.Y. 10016-0601
Phone: (212) 684-3900
Facsimile: (212) 684-3999



Docket No.: 4316-092

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Serial No. : 10/755,494 **Examiner :** BALSIS, Shay L.
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Patent No. : 6,981,291
For : MOTORIZED CLEANING APPARATUS

BY FAX: (571) 273-8300

Attention: Office of Petition
Paul Shanowski, Senior Attorney

CONFIRMATION BY MAIL:

MAIL STOP PETITION
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. 1.28(c)

Sir:

This Renewed Petition is submitted in response to a Decision issued by the Office of Petition of the US Patent Office on July 11, 2006 on Applicant's request for acceptance of a fee deficiency under 37 C.F.R. 1.28 (c) filed March 20, 2006. Copy of the Decision is attached hereto as Exhibit A.

The above-identified request was dismissed on a basis that Petitioner, i.e., Applicant in the above-identified application, has failed to identify the small entity fee which was

actually paid, and when, as required by the portion of the 37 C.F.R. 1.28 (c) (ii)(B).

It is respectfully submitted that the small entity fee of \$ 700.00 was paid to cover the required Issue Fee on October 6, 2005. The copies of the Part B-Fee(s) Transmittal as filed on October 6, 2005 and of the stamped postcard confirming receipt of the payment by the US PTO on October 11, 2005 are attached hereto as Exhibit B.

It is believed that the above statement of the undersigned applicant's attorney as well as the copies of the relevant pages submitted with this Renewed Petition and identifying the amount of the small entity fee actually paid and the specific date of payment satisfy requirements of 37 C.F.R. 1.28 (c).

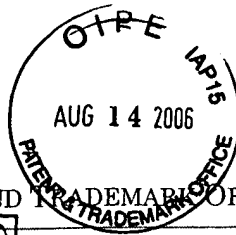
Accordingly, reconsideration and favorable decision on this Renewed Petition are respectfully requested.

Dated: _____

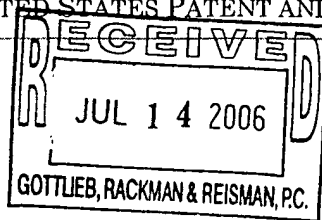
8/10/06

Respectfully submitted
GOTTLIEB, RACKMAN & REISMAN, P.C.

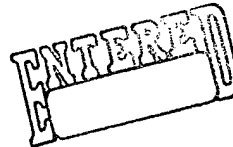
Jeffrey M. Kaden
Attorney for Applicant
Registration No. 31,268



UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV



Paper No. None

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK NY 10016-0601

COPY MAILED

JUL 11 2006

OFFICE OF PETITIONS

In re Application of	:	
William D. McKay et al.	:	DECISION ON PETITION
Application No. 10/755,494	:	UNDER 37 C.F.R. §1.28(c)
Patent No. 6,981,291	:	
Filed: January 12, 2004	:	
Issue Date: January 3, 2006	:	
Attorney Docket No. RBD-120-A	:	
Title: MOTORIZED CLEANING	:	
APPARATUS	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 C.F.R. §1.28(c).

37 C.F.R. §1.28(c)(2)(ii) sets forth that the party submitting the deficient payment must include:

- (a) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;
- (b) The small entity fee actually paid, and when;
- (c) The deficiency owed amount (for each fee erroneously paid); and
- (d) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

Petitioner has submitted the type of fee that was erroneously paid, the deficiency owed for the fee, and the total deficiency payment.

However, Petitioner has failed to identify the small entity fee which was actually paid, or when said fee was paid. Since this portion of the C.F.R. requires these identifications, the request cannot be accepted.

The petition under 37 C.F.R §1.28(c) must be **DISMISSED**.

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.28(c)". This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and any renewed petition may be submitted by mail¹, hand-delivery², or facsimile³.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

2 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

3 (571) 273-8300- please note this is a central facsimile number.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22440

7590

09/21/2005

GOTTLIEB RACKMAN & REISMAN PC
270 MADISON AVENUE
8TH FLOOR
NEW YORK, NY 100160601



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Hannah Epstein (Depositor's name)
Hannah Epstein (Signature)
October 6, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,494	01/12/2004	William D. McKay	RBD-120-A	1986

TITLE OF INVENTION: MOTORIZED CLEANING APPARATUS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	12/21/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
BALSIS, SHAY L	1744	015-023000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Jeffrey M. Kaden

2. Gottlieb, Rackman & Reisman, P.C.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Hartz Mountain Corporation

Secaucus, New Jersey

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies 5

4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 07-1730 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date

Typed or printed name

Jeffrey M. Kaden

Registration No. 31,268

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Date October 6, 2005 Au'y JMK/he

Re: Inventor(s): MCKAY, William

Title: MOTORIZED CLEANING APPARATUS

Client/Matter (Docket) No. 4316/092 Case No. _____

S/N 10/755,494 R/N _____ P/N _____

Title or Description of Enclosures Fee Transmittal; One (1) check for
\$1,015; Certificate of Mailing; and A self-addressed
postcard

The stamp of the Patent Office mailroom hereon indicates receipt of the identified document(s) on the date of such stamp.

Gottlieb, Rackman & Reisman, P.C.

Date October 6, 2005 Au'y JMK/he

Re: Inventor(s): MCKAY, William

Title: MOTORIZED CLEANING APPARATUS

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